UNITED
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Security Council

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S/1996/950
18 November 1996

ORIGINAL: ENGLISH

LETTER DATED 18 NOVEMBER 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith for the attention of the members of the Council the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991).

The report was approved by the Committee on 15 November 1996.

(Signed) Tono EITEL
Chairman
Security Council Committee established
by resolution 661 (1990) concerning the
situation between Iraq and Kuwait

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Annex

Report of the Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6, subparagraph (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991 approved by Security Council resolution 700 (1991) of 17 June 1991 (S/22660, annex).

2. Under paragraph 6, subparagraph (f), of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Council. The present report is the twenty-second submitted under the above-mentioned guidelines. The preceding reports were submitted on 13 September (S/23036) and 10 December 1991 (S/23279), 12 March (S/23708), 11 June (S/24083), 8 September (S/24545) and 4 December 1992 (S/24912), 19 March (S/25442), 7 June (S/25930), 7 September (S/26430) and 14 December 1993 (S/26874), 4 March (S/1994/274), 6 June (S/1994/695), 2 September (S/1994/1027) and 29 November 1994 (S/1994/1367), 1 March (S/1995/169), 30 May (S/1995/442), 25 August (S/1995/744) and 27 November 1995 (S/1995/992) and 21 February (S/1996/127), 20 May (S/1996/361) and 20 August 1996 (S/1996/676).

3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review, the Committee received a communication dated 30 October 1996 from the Permanent Representative of Jordan to the United Nations, drawing the attention of the Committee to the search conducted by the International Inspection Team in Iraq of the offices of a Jordanian company (ALBA) and the house of its manager on the grounds of suspected relations with Iraq's missile programme. The Jordanian communication pointed out that the investigation had concluded that ALBA was not connected in any way whatsoever with Iraq's missiles and weapons of mass destruction.

4. In accordance with paragraphs 13 and 15 of the guidelines, all States and international organizations are required to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, that is, items meant for civilian use but with potential for diversion or conversion to military use. During the period covered by the report, no States or international organizations have consulted the Committee on these questions.

5. By paragraph 14 of the guidelines, international organizations are requested to provide the Committee with any relevant information that may come to their attention. During the period under review, no information as requested by paragraph 14 of the guidelines has been received by the Committee.

6. The Committee will continue its efforts to fulfil the mandate entrusted to it. Since the last report of the Secretary-General, dated 4 December 1991 (S/22884/Add.2), no further communications have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

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18 November 1996
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IDENTICAL LETTERS DATED 17 NOVEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 16 November 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the continuing violations of the territory and airspace of the Republic of Iraq by Turkish armed forces.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

Identical letters dated 17 November 1996 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and the President of the Security Council

I refer to my letter to you of 7 November 1996 concerning continuing violations of the territory and airspace of the Republic of Iraq by Turkish armed forces (S/1996/926, annex) and should like to inform you that, on a variety of pretexts, such forces are still engaging in military operations inside Iraq's territory and in its airspace. The particulars are set forth hereunder.

1. Turkish armed forces have carried out a fresh incursion into Iraqi territory. On 3 November 1996 a Turkish force estimated at reinforced-brigade strength, supported by fighter aircraft and helicopters, penetrated two kilometres inside Iraqi territory along an eight-kilometre front in the Khuwakurk area in the north-eastern part of Dohuk Governorate.

2. In June 1996 a six-man Turkish survey team visited the Zakho district and subdistricts in Dohuk Governorate in order to carry out an exploratory study and gather personal, social, demographic, intelligence and political information on the basis of a special questionnaire. The team also visited areas inside Iraqi territory that had previously been shelled by Turkish forces.

Having informed you of the foregoing, the Government of Iraq lodges a strong protest against it and publicly condemns the action taken by the team in unlawfully infiltrating Iraqi territory and engaging in an operation to collect security and intelligence information by illegal means and in a manner that is incompatible with the principles of good-neighbourliness, the Charter of the United Nations, the norms of international law and the 1926 Iraq-Turkey boundary agreement.

The Government of Iraq reserves its legitimate right under international law to seek compensation for the damage caused by these Turkish violations of its territory and its airspace. Through you, it renews its call to the Government of Turkey to reconsider its policy with respect to the situation in northern Iraq and to promote the collaboration of the two countries on the basis of those considerations of good-neighbourliness and mutual respect for sovereignty to which Iraq is committed. It will thus be possible to eliminate the reasons for the persistence of a situation that jeopardizes the interests of both countries and their desire to promote security and stability in the region so as to fulfil their peoples' aspirations for prosperity and progress.

In conveying to you the details of these Turkish violations, the Government of Iraq calls for an immediate and thorough inquiry into the incidents in question. It does so because the practices of the Turkish forces, as represented by their repeated shelling of towns and villages in Iraq and their unlawful incursions into Iraqi territory, are in flagrant violation of Iraq's sovereignty and the inviolability of its territory and airspace, just as they are incompatible with relations of good-neighbourliness, the Charter of the

United Nations, the norms of international law and the 1926 Iraq-Turkey boundary agreement. These practices may also undermine stability in the region as a whole, which is suffering primarily from the anomalous situation created by the Americans and their allies in northern Iraq. There is also, of course, the human suffering inflicted on Iraqi citizens by the unlawful activities of the Turkish armed forces and their military operations inside Iraqi territory.

Iraq has on many occasions in the past alerted its Turkish neighbours to the consequences of allowing the anomalous situation in northern Iraq to continue. The retention of the forces involved in the so-called "Operation Poised Hammer" in Turkish territory on various pretexts has been nothing more than a cover for the perpetration of acts of aggression against Iraq and for interference in its internal affairs.

Iraq urges the United Nations to meet its responsibilities as laid down in the Charter and to halt the intimidation and aggression to which the country is constantly being subjected.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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S/1996/952
18 November 1996

ORIGINAL: ENGLISH

Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia and Russian Federation: draft resolution

The Security Council,

Having considered the question of the recommendation for the appointment of the Secretary-General of the United Nations,

Recommends to the General Assembly that Mr. Boutros Boutros-Ghali be appointed Secretary-General of the United Nations for a second term of office from 1 January 1997 to 31 December 2001.

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UNITED NATIONS

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General Assembly
Security Council

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18 November 1996

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GENERAL ASSEMBLY
Fifty-first session
Agenda items 33 and 35
SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Fifty-first year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 50/84 D of 15 December 1995 on the peaceful settlement of the question of Palestine.

2. On 30 August 1996, the Secretary-General, pursuant to the request contained in paragraph 8 of that resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 50/84 D, which the General Assembly adopted on 15 December 1995, at its fiftieth session, under the item 'Question of Palestine'.
>
> "Paragraph 8 of the resolution requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 30 September 1996."

3. On 4 October 1996, the following reply was received from the Security Council:

> "The members of the Security Council are gravely concerned about the recent developments and clashes resulting in deaths and injuries in Jerusalem and the areas of Ramallah, Bethlehem, Nablus and the Gaza Strip.

"The members of the Council stress the necessity for the concerned parties to pursue negotiations and to fulfil their obligations under the agreements achieved. The members of the Council continue to be determined to provide the needed backing to the Middle East peace process, giving full support to the agreements achieved as well as to the timely implementation of those agreements."

4. In a note verbale dated 30 August 1996 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 22 October 1996, the following replies had been received:

Note verbale dated 30 September 1996 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"The Permanent Observer of Palestine to the United Nations seeks to convey the position of the Palestinian leadership of the Palestine Liberation Organization and the Palestinian National Authority on this matter.

"Resolution 50/84 D was adopted in the General Assembly by an overwhelming majority (143-3-3), a reflection of the strong convictions of the international community with regard to the content of the resolution. The resolution recalls several principles of international law and the Charter of the United Nations. It provides support for the peace process and a more active and expanded role for the United Nations in this process. It also provides the basis for the just settlement of the question of Palestine, the core of the Arab-Israeli conflict, by the end of the process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"In paragraph 2 of resolution 50/84 D, the General Assembly once again expressed its full support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements, as well as the subsequent implementation agreements, and expressed the hope that the process would lead to the establishment of a comprehensive, just and lasting peace in the Middle East.

"Since the adoption of that resolution, some additional positive developments on the Palestinian-Israeli track of the peace process have taken place, in particular the redeployment of the Israeli army from major cities in the West Bank, with the exception of Al-Khalil (Hebron), and the holding of the Palestinian general election for the President of the Palestinian National Authority and the Palestinian Legislative Council. Unfortunately, several negative developments followed, including the assassination of Israeli Prime Minister Yitzhak Rabin, tragic bomb attacks against Israeli civilians, the

imposition of an almost continuous Israeli siege of the Palestinian territory and the postponement of the redeployment from Al-Khalil.

"Since the new Israeli Government of Prime Minister Netanyahu took office, there has been further deterioration in both the situation on the ground and the status of the peace process. The Israeli Government has adopted guidelines which contradict the letter and spirit of the two binding agreements signed with the Palestine Liberation Organization, namely the Declaration of Principles of 1993 and the Interim Agreement on the West Bank and Gaza Strip of 1995. The Israeli Government has made it clear that the timetables agreed upon will not be respected and it persists with dangerous violations of the agreements, such as the continued siege of the Palestinian territory and intentional delays in redeployment from Al-Khalil, as well as ongoing attempts to create new facts with regard to occupied East Jerusalem. The Government has also resumed colonial settlement activities in the occupied territory, which violate the Fourth Geneva Convention of 1949 and could reverse the peace process as a whole.

"In addition to the above-mentioned, on 24 September 1996, the Israeli Government opened an entrance to a tunnel in the vicinity of Al-Aqsa Mosque in occupied East Jerusalem, which led to tragic events resulting in a high number of casualties among Palestinian civilians caused by the Israeli army and police, including more than 50 killed and over 1,000 injured. Clashes also took place between Palestinian police and the Israeli army. The situation remains a very tense and dangerous one at this stage.

"In the seventh preambular paragraph of resolution 50/84 D, the General Assembly affirmed the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem. That position acquires increasing importance in the light of the resumption of Israeli settler colonialism. Further, the Assembly, in paragraphs 4 and 5, stressed the need for the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination, and the withdrawal of Israel from the Palestinian territory occupied since 1967, and also stressed the need for resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948.

"The Palestinian side believes that paragraphs 4 and 5 are of great importance and it strongly believes that the international community, represented by the General Assembly, should always uphold the principles of the Charter of the United Nations, international law, international humanitarian law and the validity of the Security Council resolutions. As such, the General Assembly has to uphold its position related to the inalienable rights of the Palestinian people, and it should maintain its position related to the elements of the final settlement (final status issues), where Israel has already created illegal, de facto situations, until negotiations on those

issues take place and conclude in the second stage of the peace process and the final settlement is effectively achieved.

"In paragraph 7 of the resolution, the General Assembly emphasized the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles. The Palestinian side welcomes the progress made in this regard, especially in the fields of providing economic, social and other assistance to the Palestinian people. It welcomes in particular the work of the United Nations Special Coordinator in the Occupied Territories in the field of coordinating United Nations and international assistance to the Palestinian people. It also welcomes the moving of the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to Gaza City and affirms the need for the continuation of the valuable and important work of UNRWA in other fields of operation outside the occupied Palestinian territory and the continuation of all field offices, including the field office in Jerusalem. Unfortunately, the United Nations did not participate in the observation of the Palestinian elections as called for in paragraph 7.

"The Palestinian side hopes that the United Nations will be involved in keeping the peace process alive and in assisting in the achievement of serious progress in the process. Involvement of the Security Council would also be a very important factor in the interest of the peace process.

"Indeed, the Security Council did contribute in salvaging the peace process by responding to the most recent events in the occupied Palestinian territory, including Jerusalem, by adopting resolution 1073 (1996) on 28 September 1996. We recall that the Council did similarly contribute positively after the massacre in Al-Khalil (Hebron) in Al-Ibrahimi Mosque by adopting resolution 904 (1994).

"The Palestinian side, as it did in previous years, would like to underscore the request made by the General Assembly in resolution 50/84 D for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.

"Finally, the Palestinian side believes that for the peaceful settlement of the question of Palestine to be achieved through the continued success of the current Middle East peace process, it is necessary to respect the basis upon which the process was initiated, namely the principle of the return of land for peace and the implementation of Security Council resolutions 242 (1967) and 338 (1973). It is equally important for the parties to comply with the agreements reached and to implement those agreements in good faith and without delay. The international community, especially the

co-sponsors of the peace process, have a great responsibility in this regard."

Note verbale dated 30 September 1996 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

"The adoption of this resolution in the General Assembly by an overwhelming majority constituted an indication of the strong commitment of the international community toward its contents. The resolution has encompassed several important principles of the Middle East process, namely in its reference to the Madrid Conference and the Declaration of Principles on Interim Self-Government Arrangements, as well as the relevant United Nations resolutions and the principles of international law. Egypt fully supports these principles and works tirelessly to bring the concerned parties towards a final settlement of the question of Palestine.

"The new Government that took office in Israel in May 1996 has, so far, adopted and implemented policies which were in clear contradiction to the letter and spirit of the above-mentioned principles, such as:

(a) Delaying the implementation of the agreed upon troop withdrawal and redeployment from Al-Khalil (Hebron) and zones R and C as determined by the agreement dated September 1995;

(b) Attempting to establish new facts that would change the situation on the ground in occupied East Jerusalem;

(c) Resuming settlement activities in the occupied territories;

(d) Delaying the holding of negotiations on issues of final settlement (final status issues).

"Many promises were made concerning the commitment of the Israeli Government to the principles of peace, as mentioned in resolution 50/84 D, yet the whole international community witnessed a complete stalemate in the peace negotiations as well as the adoption and implementation by that Government of policies that could reverse the peace process as a whole.

"Egypt opposes these policies and wishes to express its deep concern over the future of the Middle East peace process. The Government of Israel should fully respect and promptly implement the agreements reached in order to bridge the existing gap of mistrust and relaunch the peace process.

"Resolution 50/84 D (para. 7) emphasizes the importance of a more expanded role of the United Nations in the peace process. Egypt welcomes any progress in this regard, in particular in socio-economic fields as well as any assistance to the Palestinian people. The indispensable role of UNRWA in assisting the Palestinian people should

be strengthened and the agency should dispose of adequate financial resources to fulfil this role."

Observations

5. During the past year, the Middle East peace process has been challenged by a series of tragic incidents, by the urgency of translating the signed agreements into peace and security for all and by the need to find solutions to outstanding issues acceptable to the parties concerned.

6. In accordance with the Interim Agreement of 28 September 1995 between Israel and the Palestine Liberation Organization, Israeli troops were withdrawn from the major West Bank cities, with the exception of Hebron, paving the way for the holding of the first Palestinian general election on 20 January 1996. Negotiations on a permanent status were formally launched in May 1996, raising hopes that tangible results would soon follow. However, these promising developments were compromised by a series of acts of violence in Israel, such as the bomb attacks of February and March 1996 by extremists. These acts of violence have had a negative effect on the peace talks, while the prolonged closure of the occupied territories imposed by Israel to prevent further terrorist attacks has severely affected the Palestinian economy and resulted in an increased level of unemployment.

7. The absence of progress in the peace process in the second half of this year caused frustration and disappointment. These in turn have led, to the Secretary-General's deep regret and concern, to the tragic events of September 1996 in Jerusalem, the West Bank and the Gaza Strip, which threatened to unravel the negotiating process and brought about a crisis of confidence between its parties, namely the Israelis and the Palestinians. In response to those events, the Security Council adopted resolution 1073 (1996) on 28 September 1996.

8. A few days later, on 2 October 1996, the Prime Minister of Israel and the Chairman of the Palestine Liberation Organization took the reassuring decision to resume negotiations aimed at solving outstanding issues and implementing the Declaration of Principles on Interim Self-Government Arrangements (A/48/486-S/26560, annex).

9. It was expected from the outset of the negotiation process that the road to peace would not be easy. However, the only alternative to that process is a return to instability, endemic violence, regional tensions and uncertain economic prospects. This imposes on all the participants in the peace talks a duty to listen to reason and to show the determination and flexibility needed to carry out the negotiations in earnest, in accordance with the principles agreed at the Madrid Peace Conference of 1991 and other agreements already reached, until a permanent settlement is achieved on the basis of Security Council resolutions 242 (1967)and 338 (1973). In addition, it is clear that for the Middle East peace process to produce truly comprehensive and lasting results, progress must be made also on the Israeli-Syrian and Israeli-Lebanese tracks of negotiation.

10. For its part, the United Nations will continue to support the peace process and to respond in an integrated way to the economic, social and other needs of the population in the West Bank and Gaza. The coordinated approach to the delivery of assistance to the Palestinians implemented by the then United Nations Special Coordinator, Mr. Terje Roed Larsen, has proved effective, particularly in times of crisis. The relocation of the headquarters of the United Nations Relief and Works Agency for Palestine Refugees from Vienna to Gaza City has resulted in closer contact between the Agency and the Palestine refugees and helped to create additional jobs in Gaza. However, economic and social conditions in the West Bank and Gaza remain dire and it is to be hoped that ways will be found to improve them in the near future, including by further easing and eventual lifting of the closure.

11. Following the departure of Mr. Larsen, who returned in October 1996 to Norway to join the new Government there, the Secretary-General has asked the Commissioner-General of UNRWA, Mr. Peter Hansen, to assume temporarily the functions of United Nations Special Coordinator in the Occupied Territories. The Secretary-General would like to thank Mr. Larsen for his valuable work in the service of the United Nations and the parties.